

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1939



ENROLLED

HOUSE BILL No. 458

(By Mr. Meredith)



PASSED March 19, 1939

In Effect from Passage

ENROLLED

House Bill No. 458

(By Mr. MEREDITH)

[Passed March 10, 1939; in effect from passage.]

AN ACT to authorize the board of education of the county of Marion to improve its athletic field known as South Side park in the city of Fairmont, by constructing a stadium and other facilities for the use of the public at athletic games and other educational entertainments and events; to accept therefor a donation of one hundred fifty thousand dollars from the works progress administration or other federal agency; to receive advancements not in excess of twenty-five thousand dollars from the citizens of Marion county toward the completion of the proposed improvements; to secure the refund of such advancements by entering into an agreement with the Fairmont Athletic association, whereby said association shall have the management of said athletic field until said advancements shall have been refunded, but in no event to exceed ten years,

with authority to conduct and schedule athletic games and other educational entertainments and events, and to determine and collect reasonable charges or fees for the use of the athletic field and facilities, and after the payment of the necessary expenses, to pay annually not less than fifty per cent of the net receipts to the refund of said advancements, the remainder of the net receipts to be paid to said board of education; to require an accounting from said association to be annually filed with said board of education; to fix the membership of the Fairmont Athletic association, and to provide that a majority of its members shall have authority to conduct its affairs.

WHEREAS, The Board of Education of the County of Marion owns an athletic field known as South Side Park in the City of Fairmont, which it desires to improve by constructing thereon a stadium and other facilities for the use of the public at athletic games and other educational entertainments and events, which improvements will cost approximately \$175,000; and

WHEREAS, Funds in the sum of \$150,000 have been allocated for said improvements by the Works Progress Administration or other Federal agency by way of a donation, and to provide the remainder of the cost of said improvements it is necessary for said Board to

raise a sum not exceeding \$25,000, which sum it does not now have available; and

WHEREAS, The citizens of Marion County propose to advance to said Board of Education, for said purpose, funds not exceeding said sum of \$25,000: *Provided*, That said board will cause the sum so advanced to be refunded out of the net receipts from athletic games and other educational entertainments and events hereafter to be held in said athletic field, and to secure the refund or repayment of the sum which may be so advanced, said board proposes to enter into an agreement with Fairmont Athletic Association, a voluntary non-profit association comprised of (1) the County Superintendent of Schools of Marion County, (2) the principal of Fairmont Senior High School, (3) the principal of East Fairmont High School, (4) the President of the Board of Commerce of the City of Fairmont, and (5) the President of the Fairmont Business Men's Association, whereby said Fairmont Athletic Association until such time as said advancement shall have been repaid, but not exceeding in any event ten years, shall have the management of said athletic field, with authority to schedule at said athletic field athletic games such as football, softball, baseball, tennis, field and track events, spectacular entertainments such as band or drum

corps contests, fireworks displays and similar events, but not including circuses, carnivals, prize fights or professional wrestling matches, nor any game, entertainment or event on the Sabbath Day: *Provided further*, That for any event not herein specifically provided the consent of the Board of Education shall be first had and obtained, the said Athletic Association to determine and collect reasonable charges or fees for the use of said field, and after the payment of the necessary expenses to pay at least fifty per cent of the net receipts annually to the refund of the advancement so made for said improvements, the remainder thereof to be paid to said Board of Education; therefore,

Be it enacted by the Legislature of West Virginia:

Section 1. *Marion County Board of Education Authorized*

2 *to Construct Stadium, etc., on Athletic Field.* The Board of

3 Education of the County of Marion is hereby authorized to

4 improve its athletic field known as South Side Park in the

5 City of Fairmont, by constructing thereon a stadium and

6 other facilities for the use of the public at athletic games

7 and other educational entertainments and events, estimated

8 to cost one hundred seventy-five thousand dollars, and to

9 accept by way of a donation from the Works Progress Ad-

10 ministration or other Federal agency, to be used in making
11 said improvements, the sum of one hundred fifty thousand
12 dollars.

Sec. 2. *Board of Education Authorized to Accept Ad-*
2 *vancements from Citizens; How Receipts from Athletic*
3 *Events, etc., to Be Used.* To enable said Board of Education
4 to provide the remainder of the estimated cost of said im-
5 provements, said Board is hereby authorized to accept im-
6 provements from the citizens of Marion County of a sum
7 not exceeding twenty-five thousand dollars, and to secure
8 the repayment thereof to enter into an agreement with Fair-
9 mont Athletic Association, a voluntary non-profit association
10 comprised of (1) the County Superintendent of Schools of
11 Marion County, (2) the principal of Fairmont Senior High
12 School, (3) the principal of East Fairmont High School,
13 (4) the President of the Board of Commerce of the City of
14 Fairmont, and (5) the President of the Fairmont Business
15 Men's Association, whereby said Fairmont Athletic Associa-
16 tion, until such time as said advancements shall have been
17 repaid, but not exceeding in any event ten years, shall have
18 the management of said athletic field, with authority to

19 schedule or conduct at said athletic field games such as
20 football, softball, baseball, tennis, field and track events,
21 spectacular entertainments such as band or drum corps con-
22 tests, fireworks displays and similar events, but not including
23 circuses, carnivals, prize fights or professional wrestling
24 matches, nor any game, entertainment or event on the Sab-
25 bath Day, and provided further that for any event not herein
26 specifically mentioned the consent of the Board of Education
27 shall be first had and obtained; the said agreement shall further
28 provide that said Fairmont Athletic Association may deter-
29 mine and collect reasonable charges or fees for the use of said
30 field and facilities, and, after the payment of the necessary
31 expenses, to pay annually not less than fifty per cent of the
32 net receipts to the refunding or repayment of the advance-
33 ments which may be made for said improvements, the re-
34 mainder of the net receipts to be paid to said Board of Edu-
35 cation.

Sec. 3. *Fairmont Athletic Association to Keep Account of*
2 *Receipts and Disbursements and File Same with Board of*
3 *Education.* Until all of said advancements shall have been
4 repaid, the said Fairmont Athletic Association shall keep a

5 careful account of all of its receipts and disbursements, and
 6 annually file the same with the secretary of said Board of
 7 Education; and in the conduct of its affairs a majority of its
 8 members shall govern.

I certify that the foregoing act,
 having been presented to the Governor for
 his approval, and not having been returned
 by him to the House of the Legislature in
 which it originated within the time pre-
 scribed by the constitution of the state, has
 become a law without his approval.

This the _____ day of _____ 1900

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

E. O. Wiseman

Chairman Senate Committee

Wm. B. Walter

Chairman House Committee

Originated in the

House of Delegates

Takes effect

from

passage.

Charles H. Miller

Clerk of the Senate

Wm. B. Walter

Clerk of the House of Delegates

Wm. B. Walter

President of the Senate

James E. Thomas

Speaker House of Delegates

I certify that the foregoing act, having been presented to the Governor for his approval, and not having been returned by him to the House of the Legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

This the *17th* day of *March*, 19*39*

Governor.

Wm. B. Walter

SECRETARY OF STATE